

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2007 AUG 14 AM 10:31

CLERK *M. Smith*
SO. DIST. OF GA.

KENNETH LAMAR CHAPPLE,

Plaintiff,

v.

DR. PETER WROBEL,

Defendant.

CIVIL ACTION NO.: CV507-050

ORDER

After an independent review of the record, the Court concurs with the recommendation of the Magistrate Judge that Plaintiff's Complaint be dismissed for its failure to state a cognizable Eighth Amendment claim. Plaintiff has filed Objections, wherein he asserts that the medication he has been given at Ware County Jail has been insufficient and that he should have received different medications to treat his condition. As the Magistrate Judge noted, however, the allegation that an inmate has not received the treatment or medication which he deems appropriate is not sufficient to state a deliberate indifference claim. The facts stated by Plaintiff allege at most a difference of opinion as to his treatment. Such allegations are not cognizable under section 1983. See Harris v. Thigpen, 941 F.2d 1495, 1505 (11th Cir. 1991) (noting that a mere difference of opinion between prison medical officials and an inmate as to the latter's diagnosis or course of treatment does not support a claim of cruel and unusual punishment). "Mere incidents of negligence or malpractice do not rise to the level of

constitutional violations." Id. Plaintiff has a forum for his malpractice claims in the state court system.

Plaintiff's Objections are without merit. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is hereby **DISMISSED.**

SO ORDERED, this 14th day of August, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA